Famine conditions in Holenarasipur Taluk on account of Failure of Rains.

*Q.—1140. Sri H. D. DEVE GOWDA (Holenarasipur).—

Will the Government be pleased to state :—

(*a*) whether it has come to their notice that Holenarasipur Taluk is affected by the famine conditions on account of failure of rains during this year ;

(*b*) whether the local leaders have made representations to them in this behalf ;

(*c*) the steps taken by them to remedy the situation ?

*A.—Sri M. V. KRISHNAPPA (Minister for Revenue).—

(*a*) No

(*b*) Yes.

(*c*) Does not arise as there was no famine or distress in Holenarasipur Taluk.

Message from the Legislative Council.

Mr. SPEAKER.—I report to the House that a message has been received from the Legislative Council that the Mysore Veterinary Practitioners Bill, 1963 and the Mysore Borstal Schools Bill, 1963, passed by the Legislative Assembly during the current session and transmitted to the Council, have been passed by the Legislative Council without any amendment.

MYSORE CIVIL COURTS BILL, 1962.

(As reported by the Joint Select Committee.)

Motion to consider.

Sri M. V. RAMA RAO (Minister for Law).—I beg to move :

"That the Mysore Civil Courts Bill, 1962, as reported by the Joint Select Committee, be taken into consideration."

Mr. SPEAKER.—Motion moved :

"That the Mysore Civil Courts Bill, 1962, as reported by the Joint Select Committee, be taken into consideration."

†Sri M. V. RAMA RAO.—In commending the report of the Joint Select Committee on the Mysore Civil Courts Bill for the acceptence of this House, I would like to point out briefly the important changes that have been made by the Joint Select Committee during the course of their discussions on this Bill. The first change of some consequence that has been made is that the different designations of the same court of

particular category which are now in existence in different parts of the State are proposed to be made uniform. The lowest civil court of original jurisdiction is differently designated in different parts of the State. In old Mysore area, it is called the munsiff's court; in the Districts which originally belonged to Madras State, the courts are designated as District Munsiff's Court and in the Bombay area, they are known as Civil Judge's Court, Junior Division and Senior Division, depending upon the jurisdiction. Now this Bill proposes to have designation munsiff for the lowest court of original civil jurisdiction. The pecuniary jurisdiction of this court which also used to vary with the region before is now proposed to be fixed uniformly at Rs. 10,000. In the Bombay area, the present pecuniary jurisdiction of the Court of Civil Judge, Junior Division, is Rs. 5,000, and where the High Court has recommended that the jurisdiction be raised to Rs. 15,000, the jurisdiction of civil judges Court in the Bombay area is fixed at Rs. 10,000. In the new set up that is envisaged in this Bill, pecuniary jurisdiction of the munsiff should be fixed ordinarily at Rs. 5,000 and upon the recommendation of the High Court at Rs. 10,000. The Joint Select Committee has decided that the pecuniary jurisdiction should be fixed at Rs. 10,000 uniformly for the munsiff's court no matter in what region it is situated. Then the next higher category of courts would be civil judge's court. The original jurisdiction will be unlimited pecuniary jurisdiction and in regard to appellate jurisdiction, the civil judges court will hear appeals from the decrees of the munsiffs courts. Appeals from the Civil Judges decrees will be heard either by the District Court or by the High Court. Where the subject matter of the suit does not exceed Rs. 20,000, the appeal will lie from the civil judges to the district court and where the subject-matter exceeds in value Rs. 20,000, the first appeal will lie to the High Court. Those are the salient features of the structure that is envisaged by the Joint Select Committee in regard to these three classes of court. Then accepting the recommendation of the Law Commission, the Joint Select Committee have proposed that subordinate judges should be empowered to deal with original proceedings arising under special Acts such as the Indian Succession Act, the Guardian and Wards Act, the Special Marriages Act, the Indian Divorce Act and the Indian Lunacy Act. The Joint Select Committee considered that these recommendations should be implemented and they have accordingly amended the sub-clause dealing with this, that is, clause 23 (1). The other point is that under the provision relating to the number of civil judges to be appointed to the court of civil judges and the number of munsiffs to be appointed to the court of munsiffs, the power vests with the Government and is to be exercised in consultation with the High Court. That provision is made in clause 8 and the power to fix and vary local limits of the jurisdiction of any munsiff court is also vested in the State Government and is to be exercised in consultation with the High Court. These in brief are the salient features of what the Select Committee have incorporated in their report and this measure, I must add, has been long overdue and it is now put before this House and if

(Sri M. V. Rama Rao)

this Bill is accepted and passed into law, the position in regard to having a uniform pattern of courts of justice throughout the reorganised State will be realised and I expect that it will be a matter of satisfaction both to the litigant public and legal profession and those others charged with the administration of justice. I commend the report of the Joint Select Committee for the acceptance of the House.

Sri G. V. GOWDA (Palya).—Mr. Speaker, Sir, just now the Hon'ble Minister, while commending the Bill for the acceptance of the House, has been pleased to say the reasons why the Joint Select Committee have made certain changes. In my opinion, no substantial change has been effected. Except for some minor changes here and there, no material changes have been made. Though this Bill provides for uniform law relating to the constitution, powers and jurisdiction of civil courts that are subordinate to the High Court, I venture to submit that the civil rules or the procedure that is prevailing in the State in different parts—no attempt has been made to secure uniformity.

Mr SPEAKER.—Rules of practice are prepared by the High Court and sent to Government.

Sri G. V. GOWDA.—From 1-11-56, please see the number of years that have elapsed and still we have not been able to secure uniformity.

Mr. SPEAKER.—That is why this Bill should be passed immediately.

Sri G. V. GOWDA.—It should have been done immediately.....

Mr. SPEAKER.—We are at the report stage and not the introduction stage.

Sri G. V. GOWDA.—And, criminal rules of practice in respect of the constitution, powers and jurisdiction of criminal courts subordinate to the High Court —those things have got to be done and a lot of things have got to be done. The Joint Select Committee has taken so much time. It could have been done in the earlier session and the Bill also could have been passed then.

When I go through the provisions of this Bill along with the provisions of the Small Causes Court Bill, I find that there are provisions which run counter to each other. In the definition clause, they have defined district as :

> "district means a revenue district or such local area as may be notified by the State Government to be a district for the purposes of this Act."

If the Government feel that the area is to be enlarged, they will notify it for the purposes of this Act. So, for the purposes of this Bil a district may be different from a revenue district. This, I believe, is being done for the purposes of extending the jurisdiction of a district

court. If that is done, I do not understand why the provision for section 4 should be there:

"provided that the State Government may, in consultation with the High Court, establish a District Court, for more than one district."

Section 4 contemplates the establishment of a district court that "there shall be a district court for each district" and there is the provision along with it. If that is so, why should the Government contemplate a change of a district in the definitions clause? The Government wants to have more than one district within the jurisdiction of a district court. Therefore, I do not think that that definition is necessary in view of proviso to clause 4.

Everywhere I feel that Government have taken unfettered power. They say 'in consultation with the High Court.' That too, the Government may. May is not mandatory that the Government should consult at all events. Nor is there anything to show.....

Mr. SPEAKER.—Kindly read the clause.

Sri G. V. GOWDA.—"Provided that the Government in consultation with the High Court, appoint one or more... ..

Mr. SPEAKER.—Taking action is optional. But there should be consultation.

Sri G. V. GOWDA.—In my opinion, consultation is also optional. So far as I can see, they may or may not consult. It is a discretion vested in the Government. Even assuming that 'may' refers to the acceptance of the opinion expressed by the High Court or not, it is not binding. Whatever the opinion of the High Court may be, it is not mandatory on the Government. It is not incumbent on the Government to agree. Government may, for consultation's sake consult, but it may not be binding. In all these provisions, I see that the Government have reserved unfettered powers into themselves. In these days of democracy, when people have a sense of responsibility towards the judiciary, when Government takes powers for more than necessary, they may think these powers are likely to be misused, and in which case, they will think that the subordinate judiciary is a wing of the Government In my humble opinion, Government have left these matters to the High Court. So far as the constitution of civil courts is concerned, it is High Court that knows what work these have. They know where work is less or where it is more. It is the High Court that is the authority over civil courts. High Court is interested to see that there should be speedy disposal of cases, and such being the case, it is most essential for the High Court to see that these things are carried on as early as possible. The High Court will rise to the occasion and make suitable recommendations for suitable changes of jurisdiction, or of creation of another court in a particular area, etc. Having all those powers vested in the Government, I submit that it is nothing but interference in the ordinary administration, if I may say so. Because the officers working in the subordinate judiciary

(SRI G. V. GOWDA)

must not be made to feel that they have to look forward to the Government. Such a thing should not be allowed to exist. They should feel that they are independent. Even in such cases it may not be directly possible. Still, too much interference on the part of the Government of those.....

† SRI M. V. RAMA RAO.—Just for the sake of understanding him, I would like to know what he means when he says that this is interference in the ordinary administration of courts and that officers presiding over courts have to look to the Government.

SRI G. V. GOWDA.—No situation must be left as to create such an apprehension. Why I am saying this is, suppose the High Court says that there is no need for extension of jurisdiction of a particular court and the Government still extends the jurisdiction, then the subordinate judicial officer, will think that he has got to look to the Government so far as the subordinate judiciary is concerned and that the Government has the better control than the High Court. That impression is likely to be in the minds of the subordinate judiciary, which I do not want to develop. I do not know why it is stated here 'in consultation with the High Court.' Suppose the High Court recommends that such and such a thing is necessary in the interests of the courts, why not the Government accept it. Regarding the jurisdiction of a district court, I submit that on the recommendation of the High Court, Government should take steps to establish the jurisdiction or to establish more than one court in case there is a need.

MR. SPEAKER.—The Hon'ble Member may kindly refer to amendment which he has tabled. Identical words have been used by him.

SRI G. V. GOWDA.—In conformity with this Bill I have suggested that amendment. So far as the appointment of Additional District Judges is concerned, it is provided that the State Government may do it on the recommendation of the High Court. So far as the establishment of Courts of Civil Judges is concerned, the State Government may establish them in consultation with the High Court.

So far as the locality of courts is concerned, clause 10 provided for consulation with the High Court. What the High Court says is not binding on the Government. In my opinion, the proper authority to fix the locality of courts is the High Court.

So far as the District Court is concerned, it has appellate authority over the orders passed by the Civil Judge in suits or proceedings of the value of less than Rs. 20,000. There is no original civil jurisdiction. Even all the powers under the Indian Divorce Act, the Guardian and Wards Act, etc., are sought to be vested in the Civil Judge and even those functions are to be taken away from the District Court.

MR. SPEAKER.—What happens to the Admirality Cases?

SRI G. V. GOWDA.—They are very rare. All the work that the District Court does is appellate work. Unlimited pecuniary jurisdiction

has been given to a Civil Judge and the District Court has no power vested in it so far as that aspect is concerned.

Then, Sir, the Judge of a Court of Small Causes is sought to be given appellate powers over such decrees and orders of Munsiff's Courts as may be referred to him by the District Judge. In the Small Cause Courts Bill it is provided that the Small Cause Court Judge must be a Civil Judge. Under the Civil Courts Bill, the Civil Judge has got unlimited civil jurisdiction. As we know, under this Bill, the Munsiffs have been given pecuniary jurisdiction up to Rs. 10,000. Supposing a Munsiff passes a decree or order on a subject matter valued at Rs. 10,000, an appeal lies against that decree or order to the Judge of a Small Causes Court who is a Civil Judge. It is not desirable to invest a Judge of the Small Causes Court with appellate powers over the Munsiff's Court, because his original jurisdiction is Rs 5,000. He cannot try suits or proceedings the subject matter of which exceeds Rs. 5,000 in value. That being the case, how can he be given appeallate powers over the Munsiff's decrees or orders.

As I have submitted earlier, everything is sought to be reserved to the Government and this will hamper the smooth functioning of the subordinate judiciary and also the constitution and the exercise of power or jurisdiction by these Civil Courts. And the Sub-Judges that now exist have no place in the new Bill.

Some of the provisions run counter and are contradictory to each other Hence I submit that the Hon'ble Minister in charge of this Bill may kindly go through it and see that they are made perfect. Also all the powers in respect of the constitution of these courts, the change of jurisdition of these courts and the powers they have to exercise should be left entirely to the High Court's discretion and on the recommendation of the High Court, Government should act. Though the Cadre and Recruitment Rules for the Munsiffs have been framed, I regret to point out that there are several vacancies still existing in the State. Due to the exigency of the work and pressure of work, the High Court had to appoint temporary munsiffs. Government can appoint local candidates but they should not allow these vacancies to be kept vacant till the High Court makes temporary appointments for these places. Even after working for one or two years, these persons are not sure whether they would be retained when permanent arrangements are made. So, prompt action should be taken in such matters. With these observations, I hope, with a little effort, the Bill can be improved and made as worthwhile as possible. Thank you, Sir.

2-30 P. M.

ಶ್ರೀ ಸಂಜೀವನಾಥ ಐಕಳ (ಸುರತ್ಕಲ್).—ಮಾನ್ಯ ಸಭಾಪತಿಗಳೇ, ನಾನು ಈ ಬಿಲ್ಲಿನ ಸಂಬಂಧದಲ್ಲಿ ಕೆಲವು ವಿಷಯಗಳನ್ನು ಹೇಳಬೇಕಾಗಿದೆ ಸಿವಿಲ್ ಕೋರ್ಟುಗಳು ಮತ್ತು ಬೇರೆ ಬೇರೆ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಕೋರ್ಟುಗಳು ಏನಿವೆ ಅವುಗಳಲ್ಲಿರುವ ಕೆಲವು ಅನಾನುಕೂಲತೆ ಳ ವಿಷಯ ವಾತ್ರ ಮಾತ ನಾಡಲಕ್ಕೆ ಇದ್ದೇನೆ. ಕೆಲವು ಪೊಫ್ಯೂಸಿಲ್ ಏರಿಯಾದಲ್ಲಿ ಇರುವಂಥ ಕೋರ್ಟುಗಳನ್ನು ಹೋಗಿ ನೋಡುವಾಗ ಕೋರ್ಟು ಹಾಲುಗಳು ಮತ್ತು ಆಫೀಸುಗಳು ಬಹಳ ಇಕ್ಕಟ್ಟಾಗಿದ್ದು ಎಲೆಮೆಂಟರಿ ಕ್ಲಾಸ್ ರೂಮುಗಳ ಹಾಗೆ ಇವೆ. ಅದಲ್ಲದೆ ಜಡ್ಜರಿಗೆ ಬೇಕಾದ ಅನುಕೂಲತೆಗಳೂ ಇಲ್ಲ. ಬಹಳ

(ಶ್ರೀ ಸಂಜೀವನಾಥ ಐಕಳ)

ಐಕ್ಯವಾದ ಸ್ಥಳಗಳಲ್ಲಿ ಕೋರ್ಟುಗಳನ್ನು ನಡೆಸುತ್ತಿದ್ದಾರೆ. ಉಡುಪಿ ವಿಷಯ ತೆಗೆದುಕೊಂಡರೆ ಅಲ್ಲಿ ಒಂದು ಸಿವಿಲ್ ಜಡ್ಜರ ಕೋರ್ಟು ಆಗಿದೆ. ಅಲ್ಲಿ ಬೇಕಾದಷ್ಟು ಸ್ಥಳವಿಲ್ಲದೆ ಎರಡು ಮೂರು ಕೊಠಡಿಗಳನ್ನು ಒಟ್ಟುಮಾಡಿ ಒಂದು ಕೋರ್ಟು ಹಾಲ್ ಮಾಡಿದಹಾಗೆ ಕಾಣುತ್ತದೆ. ಪಿಸ್ಕೆಡಿಂಗ್ ಆಫೀಸರಿಗೆ ಬೇಕಾದ ಡಿಗ್ನಿಟಿಯನ್ನು ಕಾಪಾಡಿಕೊಂಡು ಬರಲಿಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲ, ಸಾಕಾದಷ್ಟು ಸ್ಥಳ ವಸತಿ ಇಲ್ಲ. ಇಂಥ ತಾಪತ್ರಯಗಳು ತರುವುದನ್ನು ತಪ್ಪಿಸಿ ಅನುಕೂಲ ಮಾಡಿಕೊಡಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

†ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಸಾರೆನ್ನ (ವಂಡಬಡರೆ).—ಸ್ವಾಮಿ, ರಾಜ್ಯದಲ್ಲಿ ಈಗಿರತಕ್ಕ ನ್ಯಾಯಾಲಗಳಲ್ಲಿ ಸಾಮಾನ್ಯ ಜನರಿಗೆ ಬಹಳ ಸುಲಭದಲ್ಲಿ ನ್ಯಾಯ ದೊರಕುವುದು ಬಹಳ ಕಷ್ಟವಾಗಿದೆ. ಈಗಿರುವ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಕೋರ್ಟ್ ಜೂರಿಸ್ಡಿಕ್ಷನ್ ನೋಡಿದರೆ ಒಂದೊಂದು ಡಿಸ್ಟ್ರಿಕ್ಟ್ ತೆಗೆದು ಕೊಂಡಿದ್ದಾರೆ. ಮದ್ರಾಸ್ ರಾಜ್ಯದಲ್ಲಲ್ಲಿರುವ ಪ್ರಕಾರ ಒಂದೊಂದು ತಾಲ್ಲೂಕಿನಲ್ಲಿ ಒಂದೊಂದು ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಮುನಸೀಫರ ಕೋರ್ಟಿದೆ. ಇಲ್ಲಿ ಈಗ ಇವೆನ್ಯೂ ಡಿಸ್ಟ್ರಿಕ್ಟನ್ನು ತೆಗೆದ ಕೊಂಡು ಮಾಡ ಬೇಕೆಂದು ಹೇಳಿದ್ದಾರೆ. ಹೀಗಿರುವಾಗ್ಗೆ ಒಂದೊಂದು ಕೋರ್ಟಿಗೆ ಒಂದೊಂದು ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಮುನಸೀ ಫರ ಕೋರ್ಟ್ ಆದರೆ ಬಹಳ ತೊಂದರೆಯಾಗುತ್ತದೆ. ಆದುದರಿಂದ ಒಂದೊಂದು ತಾಲ್ಲೂಕಿಗೆ ಒಂದು ಕೋರ್ಟ್ ಇದ್ದರೆ ಜನರು ಸುಲಭದಲ್ಲಿ ನ್ಯಾಯವನ್ನು ದೊರಕಿಸಿಕೊಳ್ಳಲು ಅನುಕೂಲವಾಗುತ್ತದೆ.

ಅಧ್ಯಕ್ಷರು.—ಮಂಗಳೂರು ತಾಲ್ಲೂಕಿನಲ್ಲಿ ಎಷ್ಟು ಕಡೆ ಇವೆ.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಸಾರೆನ್ನ.—"Such number of Civil Courts" ಎಂದು ಇರ ಬೇಕು. ಈ ಕಾಯಿದೆಯಲ್ಲಿಯೇ ಅದರ ಜೂರಿಸ್ಡಿಕ್ಷನ್ ಗೊತ್ತುಮಾಡಿದರೆ ಉತ್ತಮ ಎಂದು ನನ್ನ ಅಭಿ ಪ್ರಾಯ. ಆದುದರಿಂದ ಜನರಿಗೆ ಸುಲಭವಾಗಿ ನ್ಯಾಯ ದೊರಕುವಂತೆ ಮಾಡಲು ಅದಷ್ಟು ಸಮೀಪ ದಲ್ಲಿ ಕೋರ್ಟುಗಳ ರಚನೆಯಾಗಬೇಕು.

ಮಾನ್ಯ ಜಿ. ವಿ. ಗೌಡರು ಹೇಳಿದಹಾಗೆ ಹೈಕೋರ್ಟಿನ ಅಧಿಕಾರವನ್ನು ಸರ್ಕಾರ ಇಟ್ಟು ಕೊಂಡಿದೆ. ನ್ಯಾಯ ಪಡೆಯುವ ಸಂದರ್ಭದಲ್ಲಿ ಸರ್ಕಾರದ ಪ್ರಭಾವ ಇಲ್ಲ ಬೇಕಾಗಿದೆ. ಆ ದೃಷ್ಟಿಯಿಂದ ಏನೊಂದು ಟಿಕ್ನಿಕಲ್ ಅಭಿಪ್ರಾಯ ಪಡೆಯಲಿಕ್ಕೆ ಇದೆ ಅದನ್ನು ಸರ್ಕಾರ ಕಡ್ಡಾಯ ವಾಗಿ ಹೈಕೋರ್ಟಿನ ಅನುಮತಿಯನ್ನು ಪಡೆದು ತೀರ್ಮಾನಕ್ಕೆ ಬರಬೇಕು ಎಂದು ಕೂಡ ನಾನು ಈ ಸಂದರ್ಭದಲ್ಲಿ ಸರ್ಕಾರಕ್ಕೆ ಒತ್ತಾಯ ಪಡಿಸಿ ಈ ಮಸೂದೆಯಲ್ಲಿ ಆ ವಿಚಾರವನ್ನು ಸೇರಿಸಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

†ಶ್ರೀ ಸಿ. ಜೆ. ವಂಕಣ್ಣಪ್ಪ (ಸಿರಾ).—ಸ್ವಾಮಿ, ಈಗ ಜಾಯಿಂಟ್ ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಗೆ ಹೋಗಿದ್ದ ತಾರೀಖು, ಅಲ್ಲಿಂದ ಬಂದ ತಾರೀಖು ಇವುಗಳನ್ನು ನೋಡಿದರೆ ಬಹಳ ಕಾಲ ಕಮಿಟಿ ತೆಗೆದುಕೊಂಡಿದೆ ಎಂದು ಗೊತ್ತಾಗುತ್ತದೆ ಆದರೂ ಇದರಲ್ಲಿ ಬಹಳ ಕಠಿಣವಾದ ಅಥವಾ ಉಗ್ರವಾದ ಬದಲಾವಣೆ ಏನೂ ಆಗಿರುವುದು ಕಂಡುಬಂದಿಲ್ಲ. ಏಳೆಂಟು ಕಾಮಗಳಲ್ಲಿ ಮಾತ್ರ ಅವರು ಅಲ್ಲಲ್ಲಿ ಸ್ವಲ್ಪ ತಿದ್ದುಪಡಿ ಮಾಡಿದ್ದಾರೆ. ಇದು ಬಹಳ ದಿನಗಳ ಹಿಂದೆಯೇ ಬಂದು ಜನರಿಗೆ ಇದರಿಂದ ಅನುಕೂಲವಾಗುತ್ತದೆ ಎಂದು ತಿಳಿದುಕೊಂಡಿದ್ದೆ? ಜಾಯಿಂಟ್ ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಯೊಳಗೆ ಇದು ಆಗುವುದಕ್ಕೆ ಬಹಳ ಕಾರಣಗಳಿದ್ದುವು, ಒಬ್ಬೊಬ್ಬರೂ ಒಂದೊಂದು ದಾರಿಯಲ್ಲಿ ಹೋಗು ತ್ತಿದ್ದರು ಎಂದು ಕೇಳಿದ್ದೇನೆ. ಅದನ್ನೆಲ್ಲ ಹೇಳುವುದಕ್ಕೆ ಇಷ್ಟಪಡುವುದಿಲ್ಲ, ಅದನ್ನು ಬಹಳ ದೂರ ತೆಗೆದುಕೊಂಡು ಹೋಗುವುದಕ್ಕೆ ತಯಾರಿಲ್ಲ.

ನ್ಯಾಯಾಲಯಗಳಲ್ಲಿ ಇವತ್ತು ಜಡ್ಜಿಗಳೇ ಇಲ್ಲ. ನಮಗೆ ಎಷ್ಟು ಜನ ಮುನಸೀಫರುಗಳು ಬೇಕು ಅವರನ್ನು ನೇಮಕ ಮಾಡಿಲ್ಲ ಮೊನ್ನೆ ತಾನೇ ಇಂಟರ್‌ವ್ಯೂಗೆ ಕರೆದಿದ್ದು 30 ಜನ ಡೆಂಪೊರರಿ ಮುನಸೀಫರುಗಳನ್ನು ತೆಗೆದ ಕೊಳ್ಳಬೇಕೆಂದು ಒಂದು ಲಿಸ್ಟನ್ನು ಹೈಕೋರ್ಟಿನವರು ಮಾಡಿದ್ದಾ ರೆಂದು ಗೊತ್ತಾಗಿದೆ. Justice delayed is justice denied ಎನ್ನುವ ಹಾಗೆ ಆಗಿದೆ. ಕೆಲವು ಕೋರ್ಟುಗಳಲ್ಲಿ ಜಡ್ಜಿಗಳಿಲ್ಲ. ಮುನಸೀಫರುಗಳಿಲ್ಲ. ಆದರೂ ಈ ಮಸೂದೆಯನ್ನು ತರುವುದು ಇಷ್ಟು ತಡವಾಯಿತಲ್ಲ ಎಂದು ಹೇಳುತ್ತಿದ್ದೇನೆ. ಈ ವಿಚಾರಗಳನ್ನೆಲ್ಲ ಚೆನ್ನಾಗಿ ಆಲೋಚನೆ ಮಾಡತಕ್ಕವರಿದ್ದರೂ ಇದಕ್ಕೆ ಇಂಥ ಗತಿಯಾಯಿತು, ಶಾಸನ ರಚನೆಕ್ಕೆ ಬರಿಸುವುದಕ್ಕೆ ಇಷ್ಟೊಂದು ತಡವಾಯಿತಲ್ಲ ಎಂದು ಹೇಳುತ್ತಿದ್ದೇನೆ.

ಈಗಾದರೂ ಬಂದಿದೆಯಲ್ಲಾ ಬರುವಾಗ ಹೆಚ್ಚಿನ ಮಾರ್ಪಾಡು ಮಾಡಿಕೊಂಡು ತಂದಿ ದ್ದಾರೆಯೇ ಎಂದರೆ ಮತ್ತೆ ಇದರಲ್ಲಿ ಗೊಂದಲ ಮಾಡಿದ್ದಾರೆ. ಹೆಕ್ಯೂನರಿ ಜ್ಯೂರಿಸ್‌ಡಿಕ್ಷನ್ ಹತ್ತು ಸಾವಿರ ರೂಪಾಯಿಗಳಿಗೆ ಏರಿಸಿದ್ದಾರೆ. ಲ್ಯಾಂಡ್ ವ್ಯಾಲ್ಯು ಜಾಸ್ತಿಯಾಗಿದೆ ಎಂದು ಹೇಳುತ್ತಾರೆ, ಒಂದೇ ಒಂದು ಉದಾಹರಣೆ ಹೇಳುತ್ತೇನೆ ಮಧುಗಿರಿಯಲ್ಲಿರತಕ್ಕ ಮುನ್‌ಸೀಫ್ ಕೋರ್ಟಿಗೆ ಎಷ್ಟು

ವಾಲ್ಯೂಂ ಆಫ್‌ವರ್ಕ್ ಇದೆ ಅದನ್ನು ಮಾಡುವುದಕ್ಕೆ ಸಾಧ್ಯವೇ ಎಂಬುದನ್ನು ಅರ್ಥ ಮಾಡಿಕೊಳ್ಳಬೇಕು. ಅಲ್ಲಿ ಎಷ್ಟು ಒರಿಜಿನಲ್ ಸೂಟ್ಸ್ ಬರುತ್ತದೆ, ಎಷ್ಟು ಸ್ಮಾರ್‌ಕಾಸ್ ಕೇಸುಗಳು ಬರುತ್ತದೆ, ಎಷ್ಟು ಎಕ್ಸಿಕ್ಯೂಷನ್ಸ್ ಬರುತ್ತವೆ ಎಂಬುದನ್ನೆಲ್ಲಾ ಲೆಕ್ಕಾಹಾಗಿದರೆ ಹತ್ತು ಸಾವಿರ ರೂಪಾಯಿನ ಜ್ಯೂರಿಸ್‌ಡಿಕ್ಷನ್ ಕೊಟ್ಟರೆ ಸಿವಿಲ್ ಜಡ್ಜಾಗೆ ಹೋಗತಕ್ಕ ಜನ ಎಲ್ಲಾ ಅಲ್ಲಿಗೇ ಬರುತ್ತಾರೆ.

Mr. SPEAKER.—Where is it provided that there should be a munsiff court for every Taluk ? On the other hand what is provided is that there shall be in each district taken as a unit such number of munsiff courts as my be fixed by the State Government in consultation with the High Court

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ತಾಲ್ಲೂಕಿಗೆ ಒಂದೊಂದು ಮುನ್‌ಸೀಫ್ ಕೋರ್ಟು ಇರಬೇಕು ಎನ್ನುವ ವಾದ ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಯಲ್ಲಿ ಇತ್ತು ಅದನ್ನು ಹೇಳುವುದಕ್ಕೆ ಇದನ್ನೆಲ್ಲಾ ಹೇಳುತ್ತಾ ಇದ್ದೇನೆ ಅಷ್ಟೆ, ಹೆಕ್ಕೂನರಿ ಜ್ಯೂರಿಸ್‌ಡಿಕ್ಷನ್ ಸಿವಿಲ್ ಜಡ್ಜ್‌ಗೆ ಬರುತ್ತದೆ, ಅಂತಹ ಸಂದರ್ಭದಲ್ಲಿ ಅನೇಕ ಜನ ಅಡೀಷನಲ್ ಮುನ್ಸೀಫರುಗಳನ್ನು ನೇಮಕ ಮಾಡಿಕೊಳ್ಳಬೇಕಾಗುತ್ತದೆ. ತುಮಕೂರಿನಲ್ಲಿ ಒಂದು ಪ್ರಿನ್ಸಿಪರ್ ಮುನ್ಸೀಫ್ ಕೋರ್ಟು, ಇಬ್ಬರು ಅಡೀಷನಲ್ ಜಡ್ಜಸ್ ಇದ್ದಾರೆ ಹತ್ತು ಸಾವಿರ ರೂಪಾಯಿ ಹೆಕ್ಕೂನರಿ ಜ್ಯೂರಿಸ್‌ಡಿಕ್ಷನ್ ಇದ್ದರೆ ನಾಲ್ಕೈದು ಜನ ಅಡೀಷನಲ್ ಮುನ್ಸೀಫ್‌ಗಳನ್ನು ನೇಮಕ ಮಾಡಬೇಕಾಗುತ್ತದೆ, ಈಗಿರುವುದನ್ನು 5 ಸಾವಿರದಿಂದ 10 ಸಾವಿರದವರೆಗೂ ಏರಿಸಿದರೆ ಮುನ್ಸೀಫ್ ಜಡ್ಜ್‌ಗಳಿಗೆ ಬಹಳ ಕೆಲಸವಾಗುತ್ತದೆ, ಬಹಳ ಹೊರೆಯಾಗುತ್ತದೆ ಮತ್ತು ಆದರಿಂದ ನ್ಯಾಯ ಸಿಕ್ಕುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲ. 25 ರೂಪಾಯಿ ಪ್ಯಾಮಿಸರಿಯಿಂದ ಹಿಡಿದು, ಹತ್ತು ಸಾವಿರ ರೂಪಾಯಿನ ಪತ್ರದವರೆಗೂ ಮಾರ್ಟ್‌ಗೇಜ್, ಸಿಂಪಲ್ ಮಾರ್ಟ್‌ಗೇಜ್, ಮಾರ್ಟ್‌ಗೇಜ್ ಎತ್ ಪೊಸಿಷನ್, ಒಂದು ತೆಂಗಿನ ಮರ, ಹುಣಸೇ ಮರ, ಒಂದು ಹೊಲ, ಒಂದು ಗದ್ದೆ. ಇವುಗಳೆಲ್ಲವನ್ನು ನ್ಯಾಯ ತೀರ್ಮಾನ ಮಾಡಿಕೊಂಡು ಹೋದರೆ ಆ ಮುನ್ಸೀಫ್ ಜಡ್ಜ್‌ಗೆ ಕೆಲಸ ಮಾಡುವುದಕ್ಕೇ ಶಕ್ಯವಾಗುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ 10 ಸಾವಿರ ರೂಪಾಯಿ ಹೆಕ್ಕೂನರಿ ಜ್ಯೂರಿಸ್‌ಡಿಕ್ಷನ್‌ನ್ನು 5 ಸಾವಿರ ರೂಪಾಯಿಗಳಿಗೇ ಇಡುವುದು ಸೂಕ್ತ, ಎಂದು ಹೇಳುತ್ತೇನೆ. ಸಿವಿಲ್ ಜಡ್ಜಸ್ ಯಾರಿದ್ದಾರೆ ಅವರು ಬರೀ ಅಪೀಲ್ಸ್ ಮಾತ್ರ ಕೇಳಬೇಕು. ಇದನ್ನು ಒಪ್ಪಿಕೊಳ್ಳುತ್ತೇನೆ. ಮುನ್ಸೀಫರ ಆಜ್ಞೆ ಮೇಲೆ ನೇರವಾಗಿ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಕೋರ್ಟಿಗೆ ಹೋಗುವುದಕ್ಕಾಗುವುದಿಲ್ಲ, ಸಿವಿಲ್ಸ್ ಜಡ್ಜಾ ಕೋರ್ಟಿನ ಜ್ಯೂರಿಸ್‌ಡಿಕ್ಷನ್‌ಗೇ ಬರಬೇಕಾಗುತ್ತದೆ ಆದ್ದರಿಂದ ಇದನ್ನೂ ಕೂಡ 5 ಸಾವಿರ ರೂಪಾಯಿಗೆ ಇಟ್ಟರೇ ಒಳ್ಳೆಯದು ಇಲ್ಲದೇ ಇದ್ದರೆ ನ್ಯಾಯ ದೊರೆಯುವುದಿಲ್ಲ ಎಂದು ಹೇಳುತ್ತೇನೆ. ವಕೀಲರುಗಳು ಕಂತೆ ಕಂತೆ ಕೇಸುಗಳ ಕಟ್ಟನ್ನು ಹಿಡಿದುಕೊಂಡು ಕೋರ್ಟಿನ ಅವರಣದೊಳಗೆ ಹೋಗುತ್ತಾ ಇರುತ್ತಾರೆ. ಪ್ರಾಕ್ಸಿಯಾಗಿ ನಿಂತು ಕೊಂಡು ಅಡ್ಜರ್ನ್‌ಮೆಂಟ್ ಕೇಳುತ್ತಾ ಇರಬೇಕಾಗುತ್ತದೆ. ಇಷ್ಟೊಂದು ಕೆಲಸ ಅವರಿಗೆ ಕೊಡುವುದು ಒಳ್ಳೆಯದಲ್ಲ ನಿಜವಾಗಿಯೂ ಕೂಡ ನ್ಯಾಯ ಸಿಕ್ಕುವುದಕ್ಕೆ ಕಷ್ಟವಾಗುತ್ತದೆ. ಆದ್ದರಿಂದ ಇದನ್ನು ಐದು ಸಾವಿರ ರೂಪಾಯಿಗೇ ಇಡುವುದು ಒಳ್ಳೆಯದು ಎಂದು ಹೇಳಿ ಇದನ್ನು ಸರ್ಕಾರದವರು ಮತ್ತೊಮ್ಮೆ ಪರ್ಯಾಲೋಚನೆ ಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

ಸಿವಿಲ್ ಜಡ್ಜಸ್ ಮತ್ತು ಸಬ್ ಜಡ್ಜಸ್‌ಅನ್ನು ನೇಮಕ ಮಾಡುತ್ತೀರಿ, ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜಸ್‌ಅನ್ನು ನೇಮಕಮಾಡುತ್ತಾ ಇದ್ದೀರಿ. ಇವರುಗಳನ್ನು ನೇಮಕ ಮಾಡುವಾಗ ರಾಜಕೀಯದಿಂದ ದೂರ ಇಲ್ಲವೇ ಇಲ್ಲ.

Mr. SPEAKER.—How does this appointment of judges come under this Bill. ?

Sri G. V. GOWDA.—So many appointments are to be made under this Bill. He is suggesting the procedure for such appointments.

Sri C. J. MUCKANNAPPA.—When the matter is under discussion ancillary matters also come up, though they might be strictly outside the purview of the discussion. ಇವುಗಳನ್ನು ನೇಮಕ ಮಾಡುವಾಗ ಸರ್ಕಾರದವರಿಗೆ ಅಧಿಕಾರವಿರಬೇಕೆಂದು ಹೇಳುತ್ತೀರಿ, ಹೈಕೋರ್ಟಿನವರಿಗೂ ನಿಮಗೂ ವ್ಯತ್ಯಾಸ ಬಂದಾಗ ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಒಂದಾನೊಂದು ಕಾಲದಲ್ಲಿ ಮೈಸೂರಿನಲ್ಲಿ ಅದಳಿತ ನಡೆಸಿತಕ್ಕ ಸರ್ಕಾರಕ್ಕೂ ಮೈಸೂರಿನ ಉನ್ನತ ನ್ಯಾಯಸ್ಥಾನಕ್ಕೂ ಸಾಮರಸ್ಯ ಜೆನ್ನಾಗಿರಲಿಲ್ಲ, ಬರೀ ರಾಜಕೀಯ ನಡೆಯಿತ್ತು ಎಂದು ತಿಳಿದುಕೊಂಡಿದ್ದೇನೆ. ಆದಕ್ಕೆ ನನ್ನ ಹತ್ತಿರ ಅಂಕಿಅಂಶಗಳಿವೆ. ಆದ್ದರಿಂದ ಇಲ್ಲ ಮುನ್ಸೀಫ್‌ಗಳನ್ನು ನೇಮಕ ಮಾಡತಕ್ಕ ಅಧಿಕಾರ ಇಟ್ಟುಕೊಂಡು ಇನ್ ಕನ್ಸ್‌ಲ್ಟೇಷನ್ ವಿತ್‌ದಿ ಹೈಕೋರ್ಟ್ ಎಂದು ಹೇಳುವಾಗ ಸ್ವಲ್ಪ ಯೋಚನೆ ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಈ ಸಂದರ್ಭದಲ್ಲಿ ನಾನು

(SRI C. J. MUCKANNAPPA)

ಹೇಳುವುದೇನೆಂದರೆ ಇದರಲ್ಲಿ ಕೆಮಿನಾನ್‌ಷಿಯರ್ ಇಂಪ್ಲಿಕೇಷನ್ಸ್ ಇರುತ್ತದೆ ಅದನ್ನು ನೋಡಿಕೊಳ್ಳಬೇಕಾಗುತ್ತದೆ ನಿಜ, ಹಾಗಾಗಿನ ವಿಷಯದಲ್ಲಿ ನೀವು ಅವರನ್ನು ಕನ್‌ಸರ್ಲ್ಟ್ ಮಾಡಿ ನೂರು ಜನ ಮುನ್ಸೀಫರುಗಳನ್ನು ತೆಗೆದುಕೊಳ್ಳಬೇಕಂದರೆ ಅದಕ್ಕೆ ಹಣದ ಸೌಕರ್ಯ ಇದೆಯೇ ಇಲ್ಲವೇ ಎಂಬುದನ್ನು ಹೇಳಿ ಅದು ಬಿಟ್ಟು ಮುನ್ಸೀಫರುಗಳನ್ನು ನಾವೇ ನೇಮಕಮಾಡುತ್ತೇವೆ ಎಂದು ನೀವು ಹೇಳುವುದಾದರೆ ಇದರಲ್ಲಿ ರಾಜಕೀಯ ಪ್ರವೇಶ ಮಾಡೀತು ಎಂದು ನಾನು ಹೇಳುತ್ತೇನೆ ಇದನ್ನು ಏಕೆ ಹೇಳುತ್ತೇನೆ ಎಂದರೆ ಪಬ್ಲಿಕ್ ಪ್ರಾಸಿಕ್ಯೂಟರ್‌ನ್ನು ನೇಮಕ ಮಾಡಿದಾಗ ನಮ್ಮ ಸ್ನೇಹಿತರುಗಳು ಎಲ್ಲಾ ಒಂದೇ ಜಾತಿಯವರನ್ನು ನೇಮಕ ಮಾಡಿದರು ಎಂದು ಈ ಸಭೆಯಲ್ಲಿ ಅಪಾದನೆ ಮಾಡಿದ್ದುಂಟು. ಆ ಅಪಾದನೆಗಳಿಂದ ದೂರ ಇರಬೇಕಾದರೆ ನಮಗೂ ನಿಮಗೂ ಸಂಬಂಧವಿಲ್ಲ ನ್ಯಾಯ ಸ್ಥಾನಗಳಿಗೆ ಹಣ ಕೊಡುತ್ತೇವೆ ನಾವು ಇದರಿಂದ ದೂರ ಇರುತ್ತೇವೆ ಎಂದರೆ ಸರ್ಕಾರದ ಮೇಲೆ ಬರತಕ್ಕ ಜಾತಿ, ಕುಲ ಗೋತ್ರ ಮತ್ತೊಂದು ಮಗದೊಂದಕ್ಕೆ ಅವಕಾಶವಿರುವುದಿಲ್ಲ. ಅಂಥಾ ಅಪಾದನೆಗಳಿಂದ ದೂರವಾಗಬಹುದು ಎಂದು ನನಗಾದರೂ ಅನಿಸುತ್ತದೆ, ಪದವುಗಳನ್ನು ನೇಮಕ ಮಾಡಿ ಏಕೆ ಸುಮ್ಮನೆ ಸಲ್ಲದ ಸಲ್ಲದ ಮಾತಿಗೆ ತಲೆ ಕೆರೆದುಕೊಳ್ಳುತ್ತೀರಿ ? ಇದನ್ನು ಬಿಟ್ಟು ಬಿಡಿ, ಈ ನೇಮಕ ಮಾಡುವ ವಿಚಾರದಲ್ಲಿ ನೀವು ದೂರವಿರುವುದು ಒಳ್ಳೆಯದೆಂದು ನನಗೆ ಕಾಣುತ್ತದೆ.

Mr. SPEAKER.—It refers to the principle and not appointments. It does not come under the Bill.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ನಾನು ಈಗ ಈ ವಿಚಾರದಲ್ಲಿ ನನ್ನ ಮತ್ತು ನನಗೆ ಇರುವ ಅಭಿಪ್ರಾಯವನ್ನು ಹೇಳುತ್ತಿದ್ದೇನೆ. ಇದೇ ಸಂದರ್ಭದಲ್ಲಿ ನಾನು ಇನ್ನೂ ಒಂದು ಸಜೆಷನ್ನು ಕೊಡಬೇಕೆಂದು ಮಾಡಿದ್ದೇನೆ. ಅದಕ್ಕೆ ಅಧ್ಯಕ್ಷರೇನು ಹೇಳುತ್ತಾರೋ ಅಂತೂ ನಾನೀಗ ನನ್ನ ಅಭಿಪ್ರಾಯವನ್ನು ಹೇಳಿಬಿಡುತ್ತೇನೆ. ಈ ಪಬ್ಲಿಕ್ ಪ್ರಾಸಿಕ್ಯೂಟರುಗಳನ್ನು ಸರ್ಕಾರ ಅಪಾಯಿಂಟ್ ಮಾಡುವುದು ಬೇಡ ಎಂದು ಹೇಳುತ್ತೇನೆ.

ಇನ್ನು ಈ ಪೆಕ್ಯೂನಿಯರಿ ಜೂರಿಸ್‌ಡಿಕ್ಷನ್ನನ್ನು ಕಡಮೆ ಮಾಡಬೇಕೆಂದು ಹೇಳಿದ್ದಾರೆ. ಈಗಿರತಕ್ಕ ಕಾನೂನಿನ ಪ್ರಕಾರವೂ ಸರ್ಕಾರಕ್ಕೆ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜ್ ಕೋರ್ಟುಗಳನ್ನು ತೆರೆಯುವುದಕ್ಕೆ ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವಿದೆ. ಆದರೂ ಸರ್ಕಾರದವರು ಅದೇಕೋ ಮನಸ್ಸನ್ನು ಮಾಡಿಲ್ಲ. ಈ ವಿಚಾರದಲ್ಲಿ ಹೀಗೇಕೆ ತಡಮಾಡುತ್ತಿದ್ದಾರೆಂದು ತಿಳಿಯದು. ಈಗ ತಾಲೆ ತುಮಕೂರು, ಕೋಲಾರ ಮತ್ತು ಚಿತ್ರದುರ್ಗ ಈ ಮೂರು ಜಿಲ್ಲೆಗಳಲ್ಲಿ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜ್ ಕೋರ್ಟುಗಳನ್ನು ತೆರೆಯಲು ಅವಕಾಶವಿದೆ ಎಂದು ನಾನು ವರ್ತಮಾನ ಕೇಳುತ್ತಿದ್ದೇನೆ. ಈ ಮೂರು ನಾಲ್ಕು ಜಿಲ್ಲೆಗಳಲ್ಲಿ ಈ ಕೋರ್ಟುಗಳನ್ನು ತೆರೆಯಲು ಅವಕಾಶವಿದೆ ಎಂದು ಕೇಳುತ್ತಿದ್ದೇನೆ.

Mr. SPEAKER.—The Hon'ble Minister himself did not refer to this. It does not come under this Bill. The member may take another good opportunity.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಈ ಮೂರು ಜಿಲ್ಲೆಗಳಲ್ಲೂ ಅವಕಾಶವಿದ್ದರೂ ಸರ್ಕಾರದವರು ನಿಧಾನ ಮಾಡುತ್ತಿರುವುದಕ್ಕೆ ಕಾರಣ ತಿಳಿಯದಾಗಿದೆ. ಆದುದರಿಂದ ಕೂಡಲೇ ಸರ್ಕಾರದವರು ತುಮಕೂರು, ಕೋಲಾರ, ಮತ್ತು ಚಿತ್ರದುರ್ಗ ಈ ಮೂರು ಜಿಲ್ಲೆಗಳಲ್ಲೂ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜ್ ಕೋರ್ಟುಗಳನ್ನು ಕೂಡಲೇ ತೆರೆಯಬೇಕೆಂದೂ ಈಗಾಗಲೇ ಬೆಂಗಳೂರಿನಲ್ಲಿ ಈ ಕೇಸುಗಳು ಬಹಳ ಕಾನ್‌ಸೆಂಟ್ರೇಷನ್ ಆಗಿರುವ ಕಾರಣ ಇದನ್ನು ತಪ್ಪಿಸಲು ಈಗ ಅವಕಾಶವಿರುವ, ನಾನಾಗಲೇ ಹೇಳಿದ ಮೂರು ಜಿಲ್ಲೆಗಳಲ್ಲೂ ಈ ಕೋರ್ಟುಗಳನ್ನು ಬೇಗ ತೆರೆದು ಈ ಕೀರ್ತಿಗೆ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಭಾಗಿಗಳಾಗಬೇಕೆಂದು ಹೇಳಿ ನಾನು ನನ್ನ ಮಾತುಗಳನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

† Sri M. V. RAMA RAO.—Sir, in regard to the distinction that has got to be drawn between the establishment of courts and the appointment of Judges, I must say that the Government have and have at no time claimed either in this Bill or elsewhere, the power to exercise the right of appointment except in the most normal manner, and that power has to be exercised to that extent and it is unavoidable because salaries have to be paid and granted have to be made and demands for these grants have to be moved before this House. Therefore, to that extent power of appointment does and must vest in the Government.

Then it was said in the matter of appointments, the policy pursued by the Govarnment was necessarily to be criticised on account of the candidates chosen to fill this or that post. I must, on this occasion completely disabuse the minds of the Hon'ble Members in regard to that, They know and I must bring it to their notice once again, that the appointments of Munsiffs are made by the recommendations made by the Public Service Commsission and these recommendations are based on the results of examinations held by them and interviews held by them. These examinations and these interviews have to be carried out in accordance with the rules that have been framed and issued by the Governor in respect of Public Service Commission and the High Court. Any amendment will have to be made in cousultation with the High Court and the Public Service Commission. At the moment, I believe, several amendments have been made and further amendments are considered necessary and are proposed to be made and the matter is in fact engaging the attention of the Government and both the High Court and the Public Service Commission have been consulted in the matter.

Where candidates have been chosen in this manner, Government in making these appointments exercise very formal power in actually making these appointments and it is impossible to contend that the Government have any voice in the choice of these candidates who would fill these offices. It is impossible.

In regard to the appointment of temporary Munsiffs, it happens that the recruitment of candidates to be appointed as permanent Munsiffs has been to a certain extent delayed because of this contemplated amendment to the Munsiffs Recruitment Rules. Therefore, under the existing provisions of the Recruitment Rules, the High Court recommends for appointment as temporary Munsiffs, candidates who in their opinion are considered suitable to be appointed as such and because the list of such candidates considered eligible which had been formerly sent by the High Court was exhausted and further vacancies which had to be filled temporarily had to be filled by persons to be selected, once again, the High Court may have invited applications and selected persons who in their opinion would be considered suitable and recommended for appointment as temporary Munsiffs. These temporary appointments do not confer any manner of right of preference in the matter of urging any future claims by those who have held these appointments. As soon as a candidate chosen and recommended by the Public Service Commission is appointed, the person appointed to fill the post temporarily will have to vacate that post.

In regard to the appointment of District Judges to which an oblique reference was made, I must on this occasion refresh the memory of Hon'ble Members that the appointment by recruitment to the post of District Judges can be made only in the manner laid down in the constitution and Government cannot and even if they wish, would not be able to intervene in the matter or influence the selection of these district Judges by the High Court. The appointments have to be made upon the recommendation of the High Court. It is the High Court which chooses

(SRI M. V. RAMA RAO)

the candidates and devises the procedure for the selection of candidates and who make the recommendation. The utmost that the Government can do, if in their opinion the candidates recommended by the High Court in some remote contingency is considered unsuitable for any reason, it may decline to make the appointment. They have no manner of intervention. There is no way in which Government can suggest to the High Court who should be selected, as District Judge and it is inconceivable that the Government can by any manner intervene or interfere with the selection of candidates for appointment to these posts.

Having said so much, and I hope I have disabused the minds of Hon'ble Members in regard to the doubts that they have in regard to the appointments, I may point out that this Bill relates more especially to the establishment of courts and the inter-relation between the different categories of courts. Now, it was said I believe by the Hon'ble G. V. Gowd, who I know is an advocate and knows everything about these courts, it was said that there is a conflict between the provisions contained in this Bill and the Small Cause Courts Bill. I may assure him that there is no such conflict because he knows that even a Munsiff's court at present is exercising small cause courts powers in respect of small matters coming up before the Munsiff's Court. It is in respect of that pecuniary jurisdiction of Rs. 500 as indicated in respect of one category of small causes triable by the court of Munsiffs. In respect of the other court which is to be designated Court of Small Causes, I may inform the House that there will be one such court. In fact, even at present there is only one such court which is at Bangalore which is presided over by a Civil Judge who is senior officer in the judicial service. Hon'ble Members will realise the procedure for the trial of small causes —the entire evedence is not regarded verbatim as is done in the trial of original suits but evidence is recorded in substance and conclusions of the Judge upon the evidence so recorded are recorded briefly and without giving any elaborate reasons for arriving at these conclusions. Having regard to the summary nature of the trial and the manner of recording and conclusions, it is always the practice that a Civil Judge is only invested with these powers.

Then it was pointed out that the Government have reserved to themselves and I suppose a suggestion that the Government have arrogated to themselves the powers in respect of determining the number of Munsiffs Court that should be established in the district and the number of District Courts that should be established and whether there should be a District Court established in each District or for more than one District and so on so forth.

3-00 P.M.

I may submit that there is, both in theory as well as in actual administrative practice, no distinction whatsoever.....

Mr. SPEAKER.—The time is expiring. I extend it by another 20 minutes or half an hour.

Sri M. V. RAMA RAO.—It may be sufficient perhaps to extend it by 20 minutes.

Mr. SPEAKER.—I extend it by 20 minutes.

Sri M. V. RAMA RAO.—I was saying that there is practically no difference between the Government acting in consultation with the High Court and the Government acting in any other manner after taking the views of the High Court into consideration. It s nconceivable that the State Government in the matter of administration of justice would hesitate to accept the views of the High Court in a matter upon which the High Court has been consulted by the State Government. We can broadly classify these cases into two categories. It may be that the High Court may have of its own motion make a suggestion to the Government for the establishment of an additional court or for extending the terriotirial limits of the jurisdiction of certain court and Government may accept that suggestion. On the other hand, such suggestion may be made to the State Government and the State Government would be able to act upon it unless they have had the views of the High Court in the matter because in the matter of administration of justice, not only the location of the court but the territorial as well as the pecuniary jurisdiction of the court and every other matter which is of importance in enabling the court to function with dignity as was observed and with utility as it is intended to. In making those arrangements the views of the High Court must necessarily have to be taken into consideration by the State Government. It is impossible to visualise such as was given by way of illustration by Mr. G. V. Gowda. It is impossible. I should like to assure him that where the High Court expresses its views in regard to how many courts have to be established in a place and Government are seized of all the facts pertaining to that matter, such a number of courts should be established or such a number of presiding officers should be appointed. It is inconceivable that Government should do anything other than accepting those recommendations. The expression 'acting in consultation with the High Court' has in fact no other significance. As a matter of fact, proposals are received sometimes from the High Court in regard to the jurisdiction or the location of certain court. Quite oft n propositions are sent from the Government based upon the suggestions received from the Honourable Members in regard to the location or the distribution of jurisdiction of courts or to change the limits or the nature of the jurisidction of the existing courts. Those propositions are sent by the Government for the examination and for ascertaining the views of the High Court in the matter and unless these propositions have been examined both by the High Court as well as by the State Government, the establishment of courts would not be feasible because although it may be desirable to establish a court in a certain place, it would not be practically possible to do so unless court building is available or can be built and funds can be provided for its construction within a reasonable time and all other

(SRI M. V. RAMA RAO)

auxiliary appliances and equipment—library, furniture, everything else has been provided for the court and a presiding officer is appointed and necessary staff is sanctioned, typewriters, and stationery and every other equipment is provided to the court, it cannot start functioning just because a notification can be issued by the Government. Therefore, the establishment of a court is always a matter of very deep and anxious concern to the Government and they are most careful to satisfy themselves that not only the views of the High Court buy every other aspect of the matter has been adequately examined and careful provision made to see that no omission will result in the administration of justice.

The other matter that is mentioned was that the provisions for the establishment of munsiff's courts as provided in clause 7 should be different and that the provisions should accept the establishment of a munsiff's court in every taluk. Opinion in this matter has been and I am certain, would continue to be divided. The establishment of a munsiff's court should not be based upon a matter of opinion or expression of opinion and must be justified by the volume of work for the transaction of which the court is established, the availability of a duly qualified Bar and ever other convenience that is necessary for the functioning of a court. Merely by establishing a munisff's court in every taluk, it would not be possible to ensure that the quality of the administration of justice would be improved necessarily to that extent and it cannot be said that the number of courts can be determined only with reference to the number of taluks, ignoring other relevant tonsiderations. Speaking of taluks, we have to remember that the caluks in the old Mysore area are of a certain size, the taluks in the District of Coorg which is the present District Coorg and the former State of Coorg are of a different size and the taluks in the districts of old Bombay State which have come into the State are much larger and the taluks in other districts within Mysore State are of different area and population and all that. The thumb-rule that a taluk should have a munsiff's court may not be feasible because there may not be sufficient work for the court for one thing and for another thing, to have a munsiff's court established in every taluk would probably result in having a Bar exclusively from members who belong to that taluk and not having any other interest outside the taluk and to that extent the quality of the professional services that get rendered would be restricted and would be impaired, in my opinion.

Therefore, it is considered sufficient that the present provision contained in clause 7 which provides that there shall be in each district such number of munsiff's courts as may be fixed by the Government in consultation with the High Court. If, in the opinion of the High Court, one more or one less munsiff court should be provided in a certain district, the State Government would have no hesitation in acting upon that pro-

position. Instead of doing that, to say to provide that every district will have a munsiff court may not work in the manner the we now envisage.

Certain other obeservations were made pertaining to the work in the courts, the nature of the accommodation provided to the courts and so on and so forth. I do not know if it would be quite relevant to seek to make a reply to these obeservations during the course of this debate. But I must, in fact, make a passing reference that this is a fact in some parts of the State. The accommodation provided for the functioning of the courts is not as satisfactory as it should be. It would be the endeavour of the State Government, in so far as financial provision could be made, hereinafter to provide improved accommondation and other auxiliary necessities to enable the court to function with dignity. With these obeservations, Sir, I recommended that this report as reported upon by the Joint Select Committee be accepted by the House.

Mr. SPEAKER.—The question is:

"That the Mysore Civil Courts Bill, 1962, as reported by the the Joint Select Committee, be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—Now, consideration of clauses. Clause 2.

SRI G. V. GOWDA.—Sir, I beg to move:

'That in item (*c*), the words "or such local area..... of this Act" shall be deleted.'

Mr. SPEAKER.—Amendment moved:

'That in item (*c*), the words "or such local area..... of this Act" shall be deleted.'

Sri G. V. GOWDA.—Sir, I have already explained why this amendment should be accepted. Why should there be a distinction between a district of revenue limits and a district with jurisdiction for the purpose of this Act? When the Government wants to enlarge the jurisdiction of the district court, probably they want this "such local area to be notified by Government". That is covered by the proviso to clause 4, Therefore, district means a revenue district; it does not alter the position and it does not bind the hands of the Government in any way and the intention of the Government will be achieved by the proviso to clause 4; hence this distinction is not desirable. I therefore submit that this amendment may be accepted.

†**Sri M. V. RAMA RAO.**—Sir, I regret that this amendment is not acceptable and for this reason. If the words "of such local area" and so on, are omitted, the expression of district remains as; district means a revenue district. And then the Hon'ble Member will see that if it is found necessary to establish a district court for part of a district, it cannot be done. Therefore this distinction must remain as it is.

Mr. SPEAKER.—The question is :

'That in item (*c*), the words "or such local area..... of this Act" shall be deleted.'

The amendment was negatived.

Mr. SPEAKER.—The question is :

"That clause 2 stand part of the Bill"

The motion was adopted

Clause 2 was added to the Bill.

Mr. SPEAKER.—The question is :

"That clauses 3 to 6, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 3 to 6, both inclusive, were added to the Bill.

CLAUSE 7.

Sri G. V. GOWDA.—I beg to move :

'That for sub-clause (1), the following sub-clause shall be substituted:

" (1), There shall be a Munsiff's court for every Taluk :

Provided that the State Government may in consultation with the High Court, establish a Munsiff's Court for more than one Taluk."

Mr. SPEAKER.—Amendment moved:

"That in clause 7, for sub-clause (1), the following sub-clause shall be substituted :

"(1), There shall be a Munsiff's Court for every Taluk :

"Provided that the State Government may, in consultation with the High Court, establish a Munsiff's Court for more than one Taluk."

Sri G. V. GOWDA.—Sir, by this amendment, I never meant that we should have a munsiff's court for every taluk ; that is not my intention. What I mean is let there be analogous to clause 4 where they say that there shall be one district court for every district. If this wording is accepted, it is not incumbent on the part of the Government that they should establish a munsiff's court in every taluk but it may serve the purpose ; that is only intention.

†ಶ್ರೀ ಹಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಈಗತಾನೆ ನಮ್ಮ ಮಾನ್ಯ ಕಾನೂನು ಮಂತ್ರಿಗಳು ಹೇಳಿದರು ತಾಲ್ಲೂಕಿಗೆ ಮಾತ್ರ ಕನ್‌ಫೈನ್ ಆದರೆ ಕ್ಯಾಲಿಬ್ ಆಫ್ ವರ್ಕ್ ನಪರ್ ಆಗುತ್ತದೆ, ಕ್ಯಾಲಿಬ್ ಇರುವ ದಿಲ್ಲ, ಎರಡು ಮೂರು ತಾಲ್ಲೂಕುಗಳು ಒಟ್ಟಿಗೂಡಿದರೆ, various type of cases ಬಂದು professionಗೂ ಸ್ವಲ್ಪ ತೊಜನ್ನು ಬರುತ್ತದೆಂದು ಹೇಳಿದರು. ಈಗ ಉದಾಹರಣೆಗೆ ಕುಣಿಗರ್

ತಾಲ್ಲೂಕನ್ನಲ್ಲಿ ಎರಡು ತಾಲ್ಲೂಕನ್ನು ಕೇಳುಗಳಿವೆ, ಆದರೆ ಆ ತಾಲ್ಲೂಕನವರು ತುಮಕೂರಿಗೆ ಬರುತ್ತಾರೆ. ಈಗಿರುವ ಪ್ರಕಾರವೂ ಅಲ್ಲಿಗೆ ಒಂದು ಕೋರ್ಟ್ ಕೊಡುವುದಕ್ಕೆ ಬರುತ್ತದೆ. ಆದರೆ ಶ್ರೀ ವೆಂಕಟೇಗೌಡರು ತಂದಿರುವ ತಿದ್ದುಪಡಿಯನ್ನು ಒಪ್ಪಿಕೊಂಡರೆ ಆಗತಕ್ಕಂಥ ತೊಂದರೆ ಅನಾಹುತ ಏನೂ ಇಲ್ಲ. ಇಂಥ ಒಂದು ಕಾಲಮ್ಮೂ ಇದ್ದರೆ ಒಳ್ಳೆಯದು. ಆದ್ದರಿಂದ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಕಾನೂನು ಮಂತ್ರಿಗಳು ಒಪ್ಪಿಕೊಳ್ಳುತ್ತಾರೆಂದು ನಾನು ತಿಳಿದುಕೊಂಡಿದ್ದೇನೆ.

†**Sri M. V. RAMA RAO.**—I have to disappoint both the Hon'ble Members because this amendment is not acceptable for the simple reason that what is contemplated by the amendment can in fact be secured by the existing clause. There is nothing which makes it impossible or difficult to establish a court for a taluk if it is considered necessary and feasible and the High Court and the Government could agree upon it. Therefore the amendment is not acceptable and the clause may remain as it is.

Mr. SPEAKER.—The question is :

'That for sub-clause (1), the following sub-clause shall be substituted.'

"(1) There shall be a Munsiff's Court for every Taluk :

"Provided that the State Government, may, in consultation with the High Court, establish a Munsiff's Court, for more than one Taluk."

The amendment was negatived.

Mr. SPEAKER.—The question is :

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

CLAUSES 8 AND 9.

Mr. SPEAKER.—The question is :

"That clauses 8 and 9 stand part of the Bill."

The motion was adopted.

Clauses 8 and 9 were added to the Bill.

CLAUSE 10

Sri G. V. GOWDA.—I beg to move :

'That in sub-clause (1), lines 3 and 4 for the words "in consultation with" the words "with the approval of" shall be substituted.'

Mr. SPEAKER.—Amendment moved:

'That in sub-clause (1), lines 3 and 4, for the words "in consultation with" the words "with the approval of" shall be substituted.'

†**Sri G. V. GOWDA.**—I have not moved such amendments to the previous clauses which relate to establishment of district courts or civil judges courts or a munsiffs court. This clause refers to a place where the court has to be located. I only suggest that the High Court must agree with the location of courts. Location of a court is an important matter and politics should not play a part in it. Let the Government be guided by the opinion of the Court.

†**Sri M. V. RAMA RAO.**—Sir, I repudiate the suggestion that politics would have anything to do with the location of the court or the acceptance or rejection of any proposal made by the High Court in regard to the fixing of the locality of a court. After having said that, I would like to assure the Hon'ble Member that, as I said already, the expression 'in consultation with the High Court' means much the same thing as what he has in mind in regard to the expression 'with the approval of the High Court.' These expressions have to be understood in the manner in which they are used elsewhere in similar acts. The expression 'in consultation with the High Court, is the most suitable expression and as I said, the providing of a court, the establishment of a court, consists of a series of acts. Some of those acts are physical and others are notional. These physical acts—construction of a building, providing of other ancillary equipment to enable the courts to function in all these matters—are matters wich the State Government deals. The posting of a judicial officer to preside over a court is the function which the High Court will perform. The High Court and the State Government have the same common interest, namely, administration of justice and it is inconcievable that there would be conflict of interests or conflict of jurisdiction in these matters.

Mr. SPEAKER.—The question is:

'That in sub-clause (1), lines 3 and 4, for the words "in consultation with" the words "with the approval of" shall be substituted.'

The amendment was negatived.

Mr. SPEAKER.—The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

CLAUSES 11 TO 30.

Mr. SPEAKER.—The question is:

"That clauses 11 to 30, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 11 to 30, both inclusive, were added to the Bill.

SCHEDULE

Mr. SPEAKER.—The question is:

"That schedule stand part of the Bill.'

The motion was adopted.

The schedule was added to the Bill.

CLAUSE 1, THE TITLE AND THE PREAMBLE

Mr. SPEAKER.—The question is:

"That clause 1, the Preamble and the Title stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri M. V. RAMA RAO.—I beg to move:

"That the Mysore Civil Courts Bill, 1962, as reported by the Joint Select Committee, be passed."

Mr. SPEAKER.—The question is:

"That the Mysore Civil Courts Bill, 1962, as reported by the Joint Select Committee, be passed."

The motion was adopted.

[MR. DEPUTY SPEAKER in the Chair.]

MYSORE SMALL CAUSE COURTS BILL, 1962

As reported by the Joint Select Committee.

(*Motion to consider*).

Sri M. V. RAMA RAO.—I beg to move:

"That the Mysore Small Cause Courts Bill, 1962, as reported by the Joint Select Committee, be taken into consideration."